IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 5930 of 1995

Between:

Kalikiri Gangi Reddy S/o Nallappa Reddy
R/o Piler Village Chittoor District

..... PETITIONER

AND

1 The District Collector, Chittoor District, Chittoor
2 The Sub-Collector, Chittoor District, Chittoor
3 The Mandal Revenue Officer, Piler, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the respondents in not referring the objections made by the petitioner on 23/04/1985 under sec. 18 of the Land Acquisition Act 1894 to the civil Court, or in the alternative, to declare the action of the respondents in not re-determining the amount of compensation payable to him on the basis of the Award dated 16/03/1993 in O.P No. 85/85 on the file of the Subordinate Court, Madenapalle in accordance with Sec . 28- A of the Land Acquisition Act, 1894 as claimed by him under Registered Notice dt; 12/05/1994, as arbitrary, illegal, unjust violative of the Fundamental Rights guaranteed to him under Art. 300-A of the Constitution of India and to issue the consequential direction to the respondents to forthwith pay the enhanced compensation as paid in O.P.No.85/85 on the file of the Subordinate Judge's Court, Madanapalle.

Counsel for the Petitioner: MR.C.V.MOHAN REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following ORDER:

The present writ petition is filed questioning the action of the respondents in not referring the objections made by the petitioner dated 23.04.1985 under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') to the Civil Court or in the alternative to declare the action of the respondents in not re-determining the amount of compensation payable to him on the basis of the Award dated 16.03.1993 in O.P.No.85/85 on the file of the Subordinate Judge, Madanapalle in accordance with Section 28-A of the Land Acquisition Act, 1894 as claimed by him under registered Notice dated 12-5-1994 as arbitrary, illegal, unjust and violative of the Fundamental Rights.

The case of the petitioner, in a nutshell, is that he is the owner of the land in an extent of Ac.0.84 cents in survey No.111/2A, Piler village. The said land was sought to be acquired by the Government for the purpose of providing house sites to economically backward class people. Accordingly, on 14-09-1984 a notification under Section 4 (1) of the Land Acquisition Act (for short 'the Act') was published in the Gazette. An extent of Ac.19-29 cents of land adjacent to his land was also sought to be acquired. On 13-11-1984, a common declaration under Section 6 of the Act was issued. Subsequently, himself and his adjacent land owners were granted a sum of Rs.32,760/-, and Rs.5,54,587-50 under Award Nos.19 and 20 of 1984-85, dated 8-3-1985 respectively. Being not satisfied with the amount of compensation, the petitioner issued a registered notice on 23-04-1985 to the Tahsildar, Piler, requesting him to refer the matter under Section 18 of the Act to the Subordinate Judge's Court, Mandanapalle. However, no action has been taken by the respondents. Thereafter, he came to know that some of the adjacent land owners referred their claims to the Civil Court and the Sub Court vide order dated 16-03-1993 enhanced the compensation from Rs.25,000/- to Rs.55,000/- under O.P No.85 of 1985. Again he issued a legal notice to the respondents calling upon them to re-determine the compensation granted to him under Section 28-A of the Act. On receipt of the same, the third respondent-Mandal Revenue Officer informed that the matter was already referred to the Court of Subordinate Judge, Madanepalle and numbered as O.P No.85 of 1985. Later, on verification of the record, he came to know that OP No.85 of 1985 is a petition filed against the Award No.20/85-85, which relates to his adjacent landowners. Immediately, he approached the respondents but

they expressed their inability. Hence, the writ petition.

A perusal of the record shows that the petitioner issued registered notice dated 23-04-1985 to the third respondent to refer the matter to the civil Court. However, he has not chosen to file any application under Section 28-A of the Act.

In view of the fact that the petitioner has not challenged the in action of the respondents and he filed the writ petition belatedly i.e., after ten years, the same needs no interference by this Court.

The writ petition is accordingly dismissed. No costs.

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T. Meena Kumari, J

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To
1 The District Collector, Chittoor District, Chittor
2 The Sub-Collector, Chittor District, Chittor
3 The Mandal Revenue Officer, Piler, Chittor District

4 Two CCs to G.P. fore Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

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